

REMARKS

This Amendment is submitted in response to the Office Action dated November 30, 2005. In the Office Action, the Patent Office rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. 0526928 to *Schneider et al.*

By the present Amendment, Applicant amended Claim 1. Applicant asserts that the amendment to independent Claims 1 overcomes the rejection made by the Patent Office and places the application in condition for allowance. Notice to that effect is requested.

With respect to the rejection of Claim 1 under 35 U.S.C. §102(b) as being anticipated by *Schneider et al.*, Applicant respectfully submits that the rejection has been overcome by the amendment to independent Claims 1 and for the reasons that follow.

In the Office Action, the Patent Office alleges:

The European Patent [sic] Application discloses a device for cooling an object with a deformable sleeve-like body and comprising: an inner compartment (3) for contacting an object and housing a non-freezing cooling liquid (6), an outer compartment (4) surrounding the inner compartment and housing an insulator (7). The outer wall of the said outer compartment is manufactured of material having a low transferability, made of a resilient material that can be compressed and therefore inherently consisting of elastic features; and moreover air is escapable. Furthermore, the outer wall is thick enough to offer strength and therefore inherently capable of absorbing water if needed.

Independent Claim 1 requires that the outer compartment is manufactured of cloth. Further, Claim 1 requires that the exterior surface of the outer compartment is permeable to a liquid or a gas.

Still further, Claim 1 requires that the cloth is elastic.

Schneider et al. merely disclose a sleeve-like body having a variable inner diameter which allows adjustment of objects having different outer dimensions. A variable inner diameter has an insulator which has a compressible foam material. The outer compartment has at least one opening. Moving the inner compartment outward forces air from the outer compartment via the opening.

Nowhere does *Schneider et al.* disclose that the outer compartment is manufactured of cloth, as required by Claim 1. *Schneider et al.* disclose that the "cooling device is manufactured using plastic foils available on the market." Col. 6, lines 31 and 32. Specifically, *Schneider et al.* disclose creating compartments by welding plastic foils together. Accordingly, the inner compartment and the outer compartment are made of plastic foil. Therefore, *Schneider et al.* fail to disclose that the outer compartment is manufactured of cloth, as required by Claim 1.

Further, nowhere does *Schneider et al.* disclose that the exterior surface of the outer compartment is permeable to a liquid or a gas, as required by Claim 1. On the contrary, *Schneider et al.* merely disclose that "[d]eforming the outer compartment is made possible by the opening, allowing the air to escape." Accordingly, the opening is required for air to vent from the outer compartment of *Schneider et al.* In addition, *Schneider et al.* disclose that "the opening can be closed whereas the outer compartment is inflatable." Still further, *Schneider et al.* merely disclose that

"[f]or collecting drops of condensing water, the sleeve-like body 1 may near to its bottom end 12 (Fig. 1) be provided with an inwardly extending collar." As a result, *Schneider et al.* disclose an outer compartment which is not permeable to water. Instead, water travels from a top end of the outer compartment toward the bottom end where the water is collected with an inwardly extending collar. Therefore, *Schneider et al.* fails to disclose that the exterior surface of the outer compartment is permeable to a liquid or a gas, as required by Claim 1.

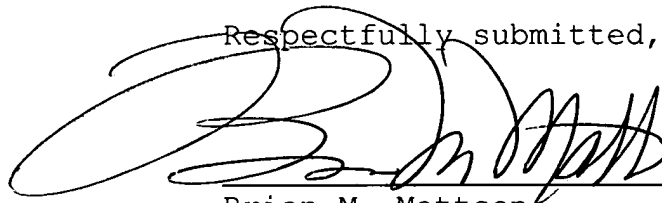
Furthermore, nowhere does *Schneider et al.* disclose that the cloth is elastic, as required by Claim 1. *Schneider et al.* disclose that outer compartment is made of a plastic foil. In addition, the outer compartment tears if force is applied to move the outer compartment outward with respect to the inner compartment. Therefore, *Schneider et al.* fail to disclose that the cloth is elastic, as required by Claim 1.

Under 35 U.S.C. §102, anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d. 1241, 1245 (Fed. Cir. 1986). Moreover, anticipation is not shown even if the differences between the claims and the references are "insubstantial", and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

In view of the foregoing, since *Schneider et al.* fail to disclose the structural elements defined by independent Claim 1, the rejection of Claim 1 under 35 U.S.C. §102(b) has been overcome and should be withdrawn. Notice to that effect is requested.

Therefore, Applicant respectfully submits that Claim 1 of the application is in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate Claim 1 as allowable and to pass the application to issue.

Respectfully submitted,



(Reg. No. 35,018)

Brian M. Mattson
ATTORNEY FOR APPLICANT
Patents+TMS
A Professional Corporation
2849 W. Armitage Ave.
Chicago, Illinois 60647
Telephone: (773) 772-6009



CERTIFICATE OF MAILING

I hereby certify that this **Amendment** and **Return Receipt Postcard** are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 24, 2006

A handwritten signature in black ink, appearing to read "Brian M. Mattson", written over a horizontal line.

Brian M. Mattson (Reg. No. 35,018)